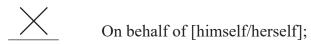
UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA

IN RE: Bair Hugger Forced Air Warming Products Liability Litigation		MDL No. 15-2666 (JNE/FLN)	
This Document Relates to All Actions. PLAINTIFF(S) LOIS BRUMBACK		SHORT FORM COMPLAINT AND JURY TRIAL DEMAND	
VS.			
3M COMPA	ANY AND ARIZANT ARE, INC.		
1.	Plaintiff, LOIS BRUMBACK , sta	tes and brings this civil action in MDL No	
15-2666, en	titled In Re: Bair Hugger Forced	l Air Warming Products Liability Litigation	
Plaintiff(s) [is/are] filing this Short Form Con	mplaint as permitted by Pretrial Order #8 or	
this Court.			
	PARTIES, JURISDIC	CTION AND VENUE	
2.	Plaintiff, LOIS BRUMBACK , is	s a resident and citizen of the State of	
WEST VIRGINIA			
3.	Jurisdiction is proper based upon	diversity of Citizenship.	
4.	Proper Venue: The District Cou	rt in which remand trial is proper and where	
this Compla		ent the direct filing order by this Court is	
5.	Plaintiff brings this action [check	k the applicable designation]:	



FACTUAL ALLEGATIONS

6.	On or about JUNE 2014	, Plaintiff underwent surgery during
which the E	Bair Hugger Forced Air Warming s	ystem (hereinafter "Bair Hugger") was used
during the c	course and scope of [his/her] surger	ry at the
[medical ce	enter and address], in	[city and state], by Dr.
JOSEPH CINCIN	NNATI	
7.	Contaminants introduced into Pl	aintiff's open surgical wound as a direct and
proximate r	result of use of the Bair Hugger dur	ring the subject surgery resulted in Plaintiff
developing	a periprosthetic joint infection ("P	JI"), also known as a deep joint infection
("DJI").		
8.	As a result of Plaintiff's infection	n caused by the Bair Hugger, Plaintiff has
undergone _	A REVISION SURGERY	[Describe treatment(s) received, e.g.,
		ultiple staged procedures, etc.] on or about
JULY 2014	, at, at	[medical center(s) and
address(es)]] by Dr(s)	. [Cross out if not applicable.]
	ALLEGATIONS	AS TO INJURIES
9.	(a) Plaintiff claims damages as	a result of (check all that are applicable):
\geq	INJURY TO HER	SELF/HIMSELF
	INJURY TO THE	PERSON REPRESENTED
	WRONGFUL DE.	ATH
	SURVIVORSHIP	ACTION

\times	ECONOMIC LOSS
	(b) Plaintiff's spouse claims damages as a result of (check all that are
applic	able): [Cross out if not applicable.]
	LOSS OF SERVICES
	LOSS OF CONSORTIUM
10.	Defendants, by their actions or inactions, proximately caused the injuries to
Plaintiff(s).	
DEFEND	OANT-SPECIFIC ALLEGATIONS AND THEORIES OF RECOVERY
11.	The following claims and allegations are asserted by Plaintiff(s) and are
herein adopte	ed by reference (check all that are applicable):
X	_ FIRST CAUSE OF ACTION - NEGLIGENCE;
\times	SECOND CAUSE OF ACTION - STRICT LIABILITY;
	FAILURE TO WARN
	DEFECTIVE DESIGN AND MANUFACTURE
<u> </u>	THIRD CAUSE OF ACTION – BREACH OF EXPRESS WARRANTY;
	FOURTH CAUSE OF ACTION- BREACH OF IMPLIED WARRANTY OF MERCHANTBILITY LAW OF THE STATE OF WEST VIRGINIA ,
	FIFTH CAUSE OF ACTION- VIOLATION OF THE MINNESOTA PREVENTION OF CONSUMER FRAUD ACT;
\times	SIXTH CAUSE OF ACTION – VIOLATION OF THE MINNESOTA DECEPTIVE TRADE PRACTICES ACT;
X	SEVENTH CAUSE OF ACTION- VIOLATION OF THE MINNESOTA UNLAWFUL TRADE PRACTICES ACT;
X	EIGHTH CAUSE OF ACTION- VIOLATION OF THE

\ /	MINNESOTA FALSE ADVERTISING ACT;
	NINTH CAUSE OF ACTION- CONSUMER FRAUD AND/OR UNFAIR AND DECEPTIVE TRADE PRACTICES
	UNDER LAW OF THE STATE OF WEST VIRGINIA,
X	TENTH CAUSE OF ACTION – NEGLIGENT MISREPRESENTATION;
<u>×</u>	ELEVENTH CAUSE OF ACTION- FRAUDULENT MISREPRESENTATION;
	TWELFTH CAUSE OF ACTION – FRAUDULENT CONCEALMENT;
	THIRTEENTH CAUSE OF ACTION – LOSS OF CONSORTIUM; and
	FOURTEENTH CAUSE OF ACTION – UNJUST ENRICHMENT.
In addition to the	above, Plaintiff(s) assert the following additional causes of action
under applicable state lav	V:
[Cross out if not applica	ble.1

PRAYER FOR RELIEF

WHEREFORE, Plaintiff(s) pray for judgment against Defendants as follows:

- 1. For compensatory damages;
- 2. Pre-judgment and post-judgment interest;
- 3. Statutory damages and relief of the state whose laws will govern this action;
- 4. Costs and expenses of this litigation;

- 5. Reasonable attorneys' fees and costs as provided by law;
- 6. Equitable relief in the nature of disgorgement;
- 7. Restitution of remedy Defendants' unjust enrichment; and
- 8. All other relief as the Court deems necessary, just and proper.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff(s) hereby demand(s) a trial by jury as to all claims in Complaint so triable.

Dated:	06/30/2016

Respectfully submitted,

/s/ BEHRAM PAREKH Behram V. Parekh (SBN 180361) bvp@kirtlandpackard.com 2041 Rosecrans Ave., Third Floor El Segundo, California 90245 Telephone: (310) 536-1000 Facsimile: (310) 536-1001